

REMARKS/ARGUMENTS

I. Status of the Application

Claims 27-31 and 33-38 are currently pending. Claims 27-31 and 33-38 stand rejected based on prior art. The Office Action inadvertently stated in the Office Action Summary section that only claims 31 and 33-38 are currently pending. Claims 27-30 are amended herein, claims 33-38 are canceled herein, and new claims 39-65 have been added. Further, a couple of paragraphs in the specification of the present application have been amended. With this amendment herein, there are 4 independent claims and 32 total claims. No new matter has been added.

The Applicant appreciates Examiner Thomas allowing the Applicant and Applicant's attorney of record on April 5, 2011 in an interview at the U.S.P.T.O. to show and explain the present invention and differences between the present invention and cited prior art references. The amendment and cancellation of previously presented claims and addition of new claims herein are substantially the same, with a minor word change in claims 39, 44, 49, 56, 60 and 63, as the proposal of amendment of claims presented to Examiner Thomas on April 5th.

The current amendment to independent claim 27 is to provide clarification to the present invention and to distinguish the present invention over the cited prior art references, particularly the Te reference. Claim 27 now further includes the feature that "... wherein said flattened side surface is in a fixed location relative to said hammerhead whereby a nail being received by said at least one nail-retention groove is positioned in a side-loading position at said flattened side surface prior to making contact with an object being struck with the nail, ..." This amendment is supported by the specification and FIGS. 1-3 and 5.

The current amendments to claims 28-30 are to correct minor errors and to provide clarification to the present invention. No new matter has been introduced by these amendments to claims 27-30.

The additions of new claims 39, 44, 49, 56, 60 and 63 are particularly supported by FIG. 2.

The addition of new claim 40 (an independent claim) now further includes the feature, similar to the added features of claims 27 and 48, that “... wherein said bottom surface is in a fixed location relative to said hammerhead whereby a nail being received by said at least one nail-retention groove is positioned in a bottom-loading position at said bottom surface prior to making contact with an object being struck with the nail, ...” This amendment is supported by the specification and FIGS. 2, 3 and 5.

The addition of new claim 48 (an independent claim) now further includes the feature, similar to the added features of claims 27 and 40, that “...wherein said top surface is in a fixed location relative to said hammerhead whereby a nail being received by said at least one nail-retention groove is positioned in a top-loading position at said top surface prior to making contact with an object being struck with the nail, ...” This amendment is supported by the specification and FIGS. 1-3 and 5.

The addition of all other new claims are supported by the specification and FIGS. 1-5.

The Applicant submits that claims 27-31 and 39-65, all the claims presently pending in the application, are in condition for allowance. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. The Amendment to the Specification

A couple of paragraphs in the specification of the present application have

been amended to provide clarification to the present invention. No new matter has been introduced with these amendments because all of the features in these amendments are supported by the specification and FIGS. 1-5.

III. The 35 U.S.C. §103(a) Rejections

Claims 27-29

Claims 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Te (U.S. Patent No. 6,571,666; herein referred to as Te '666) in view of Kotschner et al. (U.S. Patent No. 6,339,974; herein referred to as Kotschner '974).

With the current amendment to independent claim 27, the Applicant respectfully asserts that Te '666 or Kotschner '974 alone, or the combination of Te '666 and Kotschner '974, does not disclose or teach the added feature of:

"... wherein said flattened side surface is in a fixed location relative to said hammerhead whereby a nail being received by said at least one nail-retention groove is positioned in a side-loading position at said flattened side surface prior to making contact with an object being struck with the nail, ..."

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of independent claim 27 and claims 28 and 29 (each of which depends from claim 27).

Claims 30 and 31

Claims 30 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Te '666 and Kotschner '974 in view of Hu (U.S. Patent No. 6,283,449; herein referred to as Hu '449) and in further view of Caspall (U.S. Patent No. 4,723,582; herein referred to as Caspall '582).

With the current amendment to independent claim 27 (as stated above), the Applicant respectfully asserts that Te '666 and Kotschner '974 in view of Hu '449 and in further view of Caspall '582, does not disclose or teach the added feature of:

"... wherein said flattened side surface is in a fixed location relative to said hammerhead whereby a nail being received by said at least one nail-retention groove is positioned in a side-loading position at said flattened side surface prior to making contact with an object being struck with the nail, ..."

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of claims 30 and 31 (each of which depends from claim 27).

Claims 33-38

Claims 33-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Te '666 in view of Hu '449.

With the cancellation of claims 33-38 herein, the rejections of claims 33-38 are moot.

IV. Formal Matters and Conclusion

In view of the foregoing, the Applicant submits that currently amended claims 27-30, previously presented claim 31, and newly added claims 39-65, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Respectfully submitted,

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